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HOUSE BILL 61

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Rick Miera

AN ACT

RELATING TO THE SEX OFFENDER MANAGEMENT BOARD; ADDING THE  
SECRETARY OF PUBLIC EDUCATION AND THE SECRETARY OF INDIAN  
AFFAIRS TO THE BOARD.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 9-3-1 NMSA 1978 (being Laws 1977,  
Chapter 257, Section 1, as amended) is amended to read:

"9-3-1. SHORT TITLE.-- [~~Sections 9-3-1 through 9-3-12~~]  
Chapter 9, Article 3 NMSA 1978 may be cited as the "Corrections  
Department Act"."

Section 2. Section 9-3-13 NMSA 1978 (being Laws 2003 (1st  
S.S.), Chapter 1, Section 1, as amended) is amended to read:

"9-3-13. SEX OFFENDER MANAGEMENT BOARD--CREATION--  
MEMBERSHIP--DUTIES.--

A. There is created within the New Mexico

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1 sentencing commission the "sex offender management board".  
2 Members of the sex offender management board who are not  
3 members of the New Mexico sentencing commission, whose  
4 membership is set forth in Section 9-3-10 NMSA 1978, shall not  
5 be voting members of the New Mexico sentencing commission.

6 B. The sex offender management board shall be  
7 composed of the following members:

- 8 (1) the attorney general or designee;
- 9 (2) a district attorney appointed by the  
10 district attorneys association of New Mexico;
- 11 (3) the chief public defender or designee;
- 12 (4) a district court judge appointed by the  
13 district court judge's association of New Mexico;
- 14 (5) the secretary of corrections or designee;
- 15 (6) the secretary of health or designee;
- 16 (7) the secretary of children, youth and  
17 families or designee;
- 18 (8) the secretary of public safety or  
19 designee;
- 20 (9) the secretary of public education or  
21 designee;
- 22 (10) the secretary of Indian affairs or  
23 designee;
- 24 [~~9~~] (11) one public member appointed by the  
25 governor who is a board member of a New Mexico victims

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1 organization;

2                   ~~[(10)]~~ (12) two representatives appointed by  
3 the governor who are mental health professionals licensed to  
4 practice in New Mexico. One of the mental health professionals  
5 shall be a member of the association for the treatment of  
6 sexual abusers and one shall be a juvenile sex offender  
7 treatment specialist;

8                   ~~[(11)]~~ (13) a representative appointed by the  
9 governor from the adult probation and parole division of the  
10 corrections department who has expertise in the supervision of  
11 sex offenders;

12                   ~~[(12)]~~ (14) a representative appointed by the  
13 governor from the law enforcement community who has expertise  
14 regarding sex offender community notification, registration,  
15 tracking and monitoring;

16                   ~~[(13)]~~ (15) a representative appointed by the  
17 governor who is affiliated with a civil liberties organization;  
18 and

19                   ~~[(14)]~~ (16) a representative appointed by the  
20 governor who is affiliated with a faith-based organization.

21                   C. The sex offender management board shall report  
22 its findings and recommendations to the New Mexico sentencing  
23 commission on a quarterly basis. The New Mexico sentencing  
24 commission shall vote to approve, disapprove or revise the  
25 recommendations of the board.

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1 D. The sex offender management board shall:

2 (1) hold meetings at times and for periods as  
3 the board deems necessary to accomplish its objectives, but  
4 shall meet at least eight times a year;

5 (2) develop and prescribe a standard procedure  
6 for the identification and evaluation of convicted sex  
7 offenders. The procedure shall include behavior management,  
8 monitoring, treatment and program compliance for sex offenders.  
9 The board shall develop and recommend measures of success;

10 (3) develop and recommend guidelines and  
11 standards for the treatment of sex offenders that can be  
12 utilized by offenders who are placed on probation, incarcerated  
13 with the corrections department, placed on parole or placed in  
14 a community corrections program. The guidelines and standards  
15 shall include a monitoring process and a plan for developing  
16 treatment programs for sex offenders, including determining the  
17 duration, terms and conditions of probation and parole for sex  
18 offenders;

19 (4) create a risk assessment screening tool  
20 and program to assist sentencing of sex offenders, including  
21 determining the duration, terms and conditions of probation and  
22 parole for sex offenders;

23 (5) develop guidelines and standards for  
24 monitoring sex offenders who are undergoing evaluation or  
25 treatment, including behavioral monitoring;

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1 (6) develop criteria for measuring a sex  
2 offender's progress in treatment programs. The parole board  
3 shall use the criteria approved by the New Mexico sentencing  
4 commission to determine whether a sex offender may  
5 appropriately be discharged from parole;

6 (7) develop a standardized procedure for the  
7 identification and evaluation of juvenile sex offenders. The  
8 procedure shall include behavior management, monitoring,  
9 treatment and program compliance for juvenile sex offenders.  
10 The board shall develop and implement measures of success;

11 (8) develop and recommend guidelines and  
12 standards for the treatment of juvenile sex offenders who are  
13 placed on probation, committed to a state agency, placed on  
14 parole or placed in a community corrections program;

15 (9) research and analyze safety issues raised  
16 when sex offenders live in a community;

17 (10) study and consider the viability and  
18 legality of a civil commitment program for sex offenders;

19 (11) research and determine the feasibility  
20 and legality of implementing indeterminate sentencing for sex  
21 offenders;

22 (12) study the use of clinical polygraph  
23 testing as a means to evaluate sex offenders;

24 (13) evaluate sex offender treatment programs  
25 administered by state agencies and recommend changes, if

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needed, in those treatment programs; and

(14) review the provisions of the Sex Offender Notification and Registration Act and recommend changes, if needed, to that act.

E. The members of the sex offender management board shall be paid pursuant to the Per Diem and Mileage Act and shall receive no other perquisite, compensation or allowance."

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2007.